VIENNA, AUSTRIA
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REGIONAL MEETING FOR LATIN AMERICA AND THE CARIBBEAN, SAN JOSÉ, COSTA RICA, 18-22 JANUARY 1993

As part of the preparatory process for the World Conference on Human Rights in June, United Nations Member States were asked by the General Assembly to hold regional meetings to exchange views and highlight human rights concerns specific to the region. Non-governmental organizations, observers, intergovernmental and United Nations bodies also participated in the discussions. The following "San José Declaration" represents the position of the countries from Latin America and the Caribbean.

HUMAN RIGHTS

UNITED NATIONS

San José Declaration on Human Rights

The representatives of the Latin American and Caribbean countries, meeting in the city of San José, Costa Rica, from 18 to 22 January 1993, as part of the preparations for the World Conference on Human Rights, to be held in June 1993 in Vienna, Austria,

Considering that the promotion and protection of human rights is a matter of priority for the international community and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights,

Reaffirming that our countries represent a broad grouping of nations sharing common roots within a rich cultural heritage based on a combination of various peoples, religions and races, and that our roots unite us in the search for collective solutions to present problems through friendly dialogue, peaceful coexistence and respect for pluralism and the principles of national sovereignty, non-interference in the internal affairs of States and self-determination of peoples,

Recognizing that we live in an uncertain world situation full of challenges and opportunities for building an international order of true democracy, freedom and justice, based on strict observance of international law,

Emphasizing that the Latin American and Caribbean community regards peace, democracy, development and social welfare as essential for the full realization of human rights,

Considering that the World Conference on Human Rights is the appropriate forum for examining the relationship between development and the universal enjoyment of economic, social, cultural, civil and political rights, and recognizing the importance of creating the necessary conditions so that all may enjoy those rights, bearing in mind the Declaration adopted by the United Nations General Assembly in 1986,

Reaffirming that it is the obligation of all States to promote and guarantee the full observance of human rights through their own efforts and through international cooperation based on the principles of the Charter of the United Nations, as well as on international and regional human rights instruments,

Stressing the importance of strengthening broad, non-selective and non-discriminatory international cooperation, designed to strengthen the capacity of States to respect and promote human rights, based on dialogue, solidarity and joint action to promote the full enjoyment of all human rights and to avoid the use of pressures alien to the essential nature of such rights,

Bearing in mind that the guiding principles of the study and implementation of international human rights instruments in the United Nations system should be interdependence, universality, objectivity, impartiality, non-selectivity and the responsibility of States to fulfil their obligations,

Reaffirming the unwaivable commitment to the defence and promotion of representative democracy and human rights in the region, within respect for the principles of self-determination and non-intervention,

1. We reaffirm our commitment to promoting and guaranteeing the full observance of the human rights established in the Universal Declaration and in universal and regional human rights instruments, through our own efforts and through broad-based, non-selective and non-discriminatory international cooperation;

2. We reiterate that the World Conference on Human Rights should be based on the unconditional and indissoluble link between human rights, democracy and development;

3. We hold that the interdependence and indivisibility of civil, political, economic, social and cultural rights are the basis for consideration of the question of human rights, and therefore the exercise of some cannot

and must not be disallowed on the pretext that full enjoyment of the others has not yet been achieved;

4. We underline that respect for human rights and fundamental freedoms, the strengthening of development, democracy and pluralism in international relations with full respect for the sovereignty, territorial integrity and political independence of States, and the sovereign equality and self-determination of peoples are the pillars of our regional system;

5. We consider that the defence and strengthening of representative democracy constitute the best guarantee of the effective enjoyment of all human rights, and stress that the rupture of the democratic order threatens human rights in the country concerned and has negative repercussions on the countries of the region, particularly neighbouring countries;

6. We reaffirm our region's support for the Commission on Human Rights as the principal forum within the United Nations system for dealing with human rights questions, in accordance with its mandate;

7. We emphasize that the right to development is an inalienable human right, as established in the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986. The international community must take measures as soon as possible for the realization of this right through appropriate mechanisms which take account of the right to development in a healthy and ecologically balanced environment as a universal right, in accordance with the Rio Declaration;

8. We consider that an evaluation of the United Nations human rights system is needed in order to strengthen its capacity and that of the international community to protect, promote and defend human rights, to provide an effective and timely response to problems arising in this field and to remove obstacles to the full observance of human rights;

9. We recognize that the work done by the United Nations in codifying international legal norms for the promotion and protection of human rights is one of the great achievements of the Organization, and we encourage Governments to adhere fully to the instruments contained therein;

10. We affirm that the obstacles to the observance of human rights which must be eliminated include: lack of democracy and freedom, international coercive measures that affect human rights, lack of education, poor socio-economic conditions resulting partly from the transfer of resources to the servicing of foreign debt and from the disparity in the terms of international trade, corruption, impunity, a shortage of resources for the institutionalization and administration of justice, various forms of intolerance, widespread violence, terrorism and drug trafficking at all stages, the illegal arms trade, the militarization of societies and the uncontrolled production and supply of arms, the failure to ratify international human rights treaties, the lack of genuinely independent systems of justice and the lack of respect for the resolutions adopted by organs of the United Nations system and the inter-American system pertaining to the enjoyment of these rights;

11. We hold that measures must be taken to prevent the rise in other parts of the world of new trends of systematic, flagrant human rights violations which have arisen in some countries, such as disturbing manifestations of intolerance, all forms of racial discrimination, xenophobia, neo-nazism and ethnic cleansing;

12. We note that when democratic Governments are making determined efforts to resolve their human rights problems, such problems should not be used for political ends or as a condition for extending assistance or socio-economic cooperation;

13. We draw attention to the urgent need to establish mechanisms and programmes for the defence and protection of children and adolescents, in particular, in relation to abandoned and street children, and for Governments to set up national commissions for the monitoring and follow-up of the Convention on the Rights of the Child, made up of governmental and non-governmental organizations; we trust, moreover, that the international concern expressed at the situation of the children in our region will translate into concrete forms of cooperation with the programmes and projects established at the national level;

14. We reaffirm that Governments must emphasize the implementation of actions to recognize the rights of women, to promote their participation in national life with equality of opportunity, to eradicate all forms of hidden or overt discrimination on grounds of sex, race or social status and, especially, to eliminate gender-based violence, as well as all forms of sexual exploitation. We recommend that the World Conference promote the relevant international instruments;

15. We welcome the celebration in 1993 of the International Year of the World's Indigenous People; we recognize the enormous contribution of indigenous peoples to the development and plurality of our societies and we reaffirm our commitment to their economic, social and cultural well-being and our obligation to respect their own initiatives and participation, recognizing the value and diversity of their cultures and their forms of social organization, without detriment to the unity of the State;

16. We attach the utmost importance to the observance of the human rights and fundamental freedoms of vulnerable groups and the elimination of all forms of discrimination against them, and to the de-

velopment of norms which protect those groups not yet covered by relevant instruments;

17. We attach the greatest importance to consideration of the topic of disability and human rights, and affirm that, in order to ensure compliance with existing norms of protection, there is a need to elaborate an international convention that will provide, on the basis of equality, for the full exercise and enjoyment of the fundamental rights of disabled persons, in order to incorporate them fully into the active life of the community, and to intensify efforts to prevent disability;

18. We consider that efforts must be intensified to improve the situation of migrant workers and their families according to the principle of non-discrimination, and we encourage Governments to adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

19. We express our commitment to promote and protect all of the human rights and fundamental freedoms of elderly persons, as established in national and international instruments, and to guarantee the full access of this vulnerable group to social security benefits and to the specific protection mechanisms recommended in the Vienna International Plan of Action on Ageing;

20. We recognize the need to respect the principle of non-discrimination and to guarantee the legal and social equality of people infected with human immunodeficiency virus (HIV) and people with acquired immunodeficiency syndrome (AIDS), as well as their right to receive the necessary treatment, and the need to take public health measures to prevent the proliferation of this illness;

21. We reiterate our concern about, and our condemnation of, the various forms of terrorism, including the activities of armed groups that sow terror in the population and of drug traffickers, who threaten the exercise of democracy and are serious obstacles to the full realization of all human rights and fundamental freedoms in our region;

22. We believe that the inter-American system of human rights plays a fundamental role in promoting, protecting and defending human rights in our region, and we encourage the efforts under way to strengthen this system and to increase its effectiveness. We stress the importance of coordination and cooperation between the United Nations and the inter-American system of human rights;

23. We recognize the importance of the work which, at the express request of the Government of El Salvador, the United Nations Observer Mission in El Salvador (ONUSAL) has carried out for the protection and promotion of human rights, which has yielded highly positive results in this area, thus contributing to the consolidation of peace in El Salvador;

24. We consider that a process of reflection is required on the consequences of interference on humanitarian grounds for the principles of the self-determination of peoples and respect for the sovereignty of States, on the one hand, and respect for human rights, on the other, which form the basis of the inter-American system;

25. We propose that the World Conference consider the possibility of asking the General Assembly to study the feasibility of establishing a United Nations Permanent Commissioner for Human Rights;

26. We recognize that regular meetings should be convened, bringing together leaders of the United Nations, the Organization of American States, other regional organizations, the World Bank, the International Monetary Fund, the Inter-American Development Bank and other important international finance and development institutions in order to assess the impact of their policies on human rights and to coordinate measures and strategies for the promotion and realization of human rights;

27. We stress that, as the free market system cannot in and of itself guarantee or promote the enjoyment of human rights, States should accept the obligation of establishing and maintaining adequate measures for protecting the vulnerable sectors of their population;

28. We attach great importance to international technical and financial cooperation, and to other types of advisory services that the United Nations can provide to Member States, for the improvement of the administration of justice, police and prison systems, the promotion and teaching of human rights and all efforts that might help strengthen the institutions which uphold the rule of law. In this regard, we consider that one of the most substantial contributions the World Conference could make to the cause of human rights would be the establishment of a United Nations programme of technical and financial assistance, under the auspices of the Centre for Human Rights, to cooperate, at the request of Governments, with national projects designed to strengthen the institutions that uphold the rule of law, as recommended in Commission on Human Rights resolution 1992/51;

29. We stress that the promotion and defence of human rights must be given priority within the United Nations, and that this must be reflected in the distribution of the Organization's budgetary resources;

30. We stress the importance of strengthening the Centre for Human Rights by providing it with the necessary resources so that it may expeditiously and effectively provide a wide range of human rights advisory services, taking into account the current historical, political and social situation of requesting Governments;

31. We affirm the importance of incorporating the topic of human rights issues into the education imparted by States, and recommend that its dissemination, both theoretical and practical, be established as a priority objective of educational policies.

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